

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/756680
Title: SYSTEM INTERFACE FOR CELL AND/OR PACKET TRANSFER
Filed: Jan10.2001
Inventor(s): Cam, et al.

Hon. Commissioner of Patents and Trademarks
POB 1450
Alexandria, Va. 22313-1450

attn:
Art Unit 2616 or 2476
Examiner Blanche Wong

NOTICE OF ERRORS IN ADVISORY ACTION OF OCTOBER 30, 2009

Dear Sir:

Pursuant to MPEP § 710.06, Applicant respectfully submits the following notice of errors in the Advisory Action filed October 30, 2009 ("Advisory Action"). Applicant states as follows:

1. The final office action in this case was entered on June 29, 2009 ("OA9"). OA9 was entered by Examiner Blanche Wong and co-signed by Supervisor Ayaz R. Sheikh.
2. OA9 allowed Claim 14.
3. OA9 rejected Claims 1, 3-8, 10, 12, 13, and 15 pursuant to 35 USC § 112, second paragraph.
4. Claims 2, 9 and 11 were cancelled in May, 2008 and have not been a part of this prosecution since that date.
5. On October 06, 2009 Applicant responded to OA9 by amending the rejected claims as set forth in the office action and addressing in detail how the amendments overcome each and every one of the § 112 rejections.

6. The Advisory Action is signed by Supervisor Sheikh while the examiner is identified as Ms. Wong. From the Advisory Action it is not possible to determine what the relevant Art Unit is. The Advisory Action sets forth both Art Units 2616 and 2476.
7. By the Advisory Action, the Office refused to enter Applicants' amendments filed in response to OA9.
8. The Advisory Action rejects independent Claim 14, which was allowed by the prior final office action, OA9.
9. The Advisory Action objects to Claim 2 in spite of Claim 2 having been cancelled in 2008.
10. The Advisory Action rejects Claims 9 and 11, in spite of Claims 9 and 11 having been cancelled in 2008.
11. The Advisory Action now deems Claims 3-5 and 8 as "objected to" in spite of Claims 3-5 and 8 having been rejected by OA9. The Advisory Action provides no reason for Claims 3-5 and 8 now being deemed objected to and no longer rejected.

Because the Advisory Action provides no reasons as to why the Advisory Action conflicts in with OA9 in the foregoing respects, it is not possible to determine the current state of the claims or what claims have been rejected, allowed, cancelled, and objected to. Consequently, the record for appeal is not in proper shape for briefing.

Because independent Claim 14 was previously allowed by OA9 and then rejected by the Advisory Action, no grounds for rejecting the claim have ever been made of record by the Office. The Advisory Action does not cite a single statute or prior art reference against Claim 14. If the Office persists in rejecting Claim 14, then Applicant is entitled to a non-final Office Action setting forth the new grounds for the rejection, including relevant statutes and prior art, if any, and an opportunity to respond.

In the interests of obviating these obvious procedural errors as grounds for appeal, Applicant requests that the Office file a corrected Advisory Action and re-set the clock for responding pursuant to MPEP § 710.06 and/or other relevant sections. Furthermore, if the Office maintains the new rejection of Claim 14, Applicant requests that the Advisory Action and final Office Action be withdrawn pursuant to MPEP 706.07(e) and/or other relevant

sections and the grounds of rejection of Claim 14 be entered by means of a new non-final office action.

Respectfully submitted,
Richard Cam, et al

Date: Nov19.2009

by:



Denis R. O'Brien, attorney for the applicant
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Date:

Nov 19. 2009



Denis R. O'Brien, USPTO # 42,947